

ASSEMBLY BILL

No. 3013

Introduced by Assembly Member Nunez

February 24, 2006

An act to amend Section 56.16 of the Civil Code, relating to medical information.

LEGISLATIVE COUNSEL'S DIGEST

AB 3013, as introduced, Nunez. Medical information: disclosures.

The Confidentiality of Medical Information Act allows a provider of health care, upon an inquiry concerning a specific patient, to release at its discretion a patient's name, address, age, and sex; a general description of the reason for treatment; the general nature of the injury, burn, poisoning, or other condition; the general condition of the patient; and any information that is not medical information, as defined, unless there is a specific written request by the patient to prohibit that release. Notwithstanding that provision, the act prohibits a provider of health care, a health care service plan, contractor, or corporation and its subsidiaries and affiliates from intentionally sharing, selling, or otherwise using any medical information, as defined, for any purpose not necessary to provide health care services to a patient, except as expressly authorized by the patient, enrollee, or subscriber, as specified, or as otherwise required or authorized by law.

Violations of these provisions are subject to a civil action for compensatory and punitive damages, and, if a violation results in economic loss or personal injury to a patient, it is punishable as a misdemeanor.

This bill would prohibit a provider of health care from making discretionary releases that are unrelated to a physical injury suffered

by a patient, and would limit certain disclosures about a patient's condition to his or her physical condition.

By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56.16 of the Civil Code is amended to
2 read:

3 56.16. Unless there is a specific written request by the patient
4 to the contrary, nothing in this part shall be construed to prevent
5 a provider, upon an inquiry concerning a specific patient, from
6 releasing at its discretion any of the following information, *when*
7 *related solely to a physical injury suffered by that patient:* the
8 patient's name, address, age, and sex; a general description of the
9 reason for treatment (whether an injury, a burn, poisoning, or
10 some unrelated *physical* condition); the general nature of the
11 injury, burn, poisoning, or other *physical* condition; the general
12 condition of the patient; and any information that is not medical
13 information as defined in subdivision (c) of Section 56.05.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.

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